IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 4878 of 2003

Between:

G.Ramachandrudu S/o. G.Lachanna
E-45 1883 Conductor (Under Suspension) APSRTC, Ravulapalam Depot, Resident of Ravulapalam East Godavari District

..... PETITIONER

AND

1 The Managing Director A.P.S.R.T.C.Musheerabad, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C. Ravulapalem East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd respondent issued in No.PA/95 (175)/02-RVPM Dated 29-1-2003 as arbitrary, illegal, High handed and against the executive instructions issued in the Circular Dated 24-7-1995 issued by the 1st respondent and set aside the same.

Counsel for the Petitioner: MR.E.MADAN MOHAN RAO

Counsel for the Respondents: MR.Y.VIVEKHANANDHA SWAMY.

(SC FOR APSRTC)

The Court made the following:

ORAL ORDER:

The petitioner is an employee working as Conductor in the second respondent depot for the last 14 years. The second respondent by his order dated 29-1-2003, suspended the petitioner from service pending enquiry into certain irregularities alleged against him. Aggrieved by the suspension order dated 29-1-2003, the petitioner filed this writ petition. This Court by order dated 1-4-2003 suspended the operation of impugned order dated 29-1-2003.

The respondents filed a counter affidavit stating that while the petitioner was conducting the bus on the route Ravulapalem to Rajahmundry via Bobbarlanka on 14-12-2002, certain irregularities were found and therefore, the Senior Traffic Inspector, Ravulapalem submitted a report dated 19-12-2002, stating that the petitioner had made alterations in SR No.A7/512444. The sum and substance of the report, as stated in the counter affidavit, is as follows.

> "The petitioner had issued E-7 tickets worth of Rs.8/- at stage No.6 and shown the same number of issues in respective column and closed the ticket Nos. as 115 in 7.35 hours Rajamundry to Ravulapalem trip and altered the closing number 115 as 109 from 5th stage to 1st stage and also further observed that in the following single trip i.e., 9-10 hours Ravulapalem to Rajahmundry trip the petitioner issued those tickets at stage No.1 to 5th stage. More over, he had issued two tickets (113 and 114) of Rs.8/- at Velicheru stage No.5 in 9-10 hours. But the fare from Velecheru to Rajahmundry is only Rs.7/-. Hence it is clearly evident that the petitioner had reissued those tickets duly altering the service S.R.No.A7/5124447 on 14-12-2002."

It is alleged that the petitioner had misappropriated the legitimate revenue of the Corporation, which is very serious misconduct as per the A.P. Service Regulations. As per the report, charge memo dated 19.12.2002 was issued to the petitioner and as the petitioner failed to submit his explanation to the charge memo, basing on a preliminary enquiry and on the report submitted by Chief Inspector, Rajahmundry dated 18.1.2003, the petitioner was issued with a charge sheet dated 29.1.2003 placing him under suspension.

The charge framed against the petitioner is as follows:

> "**CHARGE**:- For having issued used tickets bearing Nos.364/072109 to 115 E-7 of Rs.8/- dono. which were issued at stage No.6 and shown in the Sr.No.A7/5124447 in 7-35 hours trip were reissued to the passengers who boarded his bus in 09-10 hours trip from Ravulapalem to Rajahmundry (Bobbaralanka) at stage No.1 to 5th duly altering the SR issue Nos. as 109 and you have misappropriate the legitimate revenue of the corporation, while you were performing the service on the route Ravulapalem to Rajahmundry (Bobbarlanka) on 14-12-2002, which constitutes misconduct under Reg.28(xxiii) and (x) of APSRTC Employees' (Conduct) Reg.1963."

Pursuant to the said charge, the petitioner submitted his explanation on 17-2-2003 and subsequently approached this Court and obtained interim order dated 4-1-2003, suspending the order of suspension dated 29-1-2003 of the second respondent. It is submitted by the learned counsel for the respondents that on account of suspension order of this Court dated 29.1.2003 the enquiry could not be completed.

The learned counsel appearing for the petitioner submitted that the petitioner has made a complaint on 6-12-2002 to the second respondent, but a perusal of the said complaint shows that it is nothing to do with the duty entrusted to the petitioner and the irregularities committed by him. Therefore, there is no *mala fide* action on the part of the respondents in placing the petitioner under suspension, pending enquiry into the allegations against him.

The learned Counsel for the respondents submitted that earlier, the petitioner was awarded with certain punishments several times and he was also removed from service on 5-8-1997 for his involvement in serious cash and ticket irregularities committed by him, but as per the orders of this court he was reinstated into service subject to conduct of fresh enquiry.

Suspension pending enquiry is not a punishment. The charge levelled against the petitioner is a serious misconduct and it has to be proved by the respondent authorities after through enquiry. Therefore, I am of the view that this Court could not interfere with the said suspension order, which is pending enquiry before the respondent authorities. However, as the petitioner has already submitted his explanation on 17-2-2003 and as the incident had occurred on 14.12.2002 and since the suspension order was passed on 29.1.2003 I deem it just and proper to direct the respondents to complete the enquiry as early as possible.

Having regard to the facts and circumstances of the case, I am not inclined to interfere with the suspension order pending enquiry and vacate the interim suspension order dated 1.4.2003 made by this Court. The respondents are directed to complete the enquiry as expeditiously as possible preferably, within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs.

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18-08-2004

es/tsr

To

1 The Managing Director A.P.S.R.T.C.Musheerabad, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C. Ravulapalem East Godavari District.

3. 2 CD copies.